

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33063 of 2014

Arising Out of PS.Case No. -69 Year- 2013 Thana -SC/ST P.S. District- SARAN

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1. Shanker Prasad, Son of Late Chandrama Rai
2. Shanti Devi, Wife of Shri Shanker Prasad.
3. Dhanjay Kumar, Son of Shri Shanker Prasad, All are residents of Village- Nehla Tola, Police Station- Doriganj, District-Saran, (Chapra), at present residents of Salempur, Lah Bazar, Police Station Chapra Town, District-Saran (Chapra)

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sachida Nand Rai, Adv.

For the Opposite Party : Mr. Sadanand Paswan(Spl.P.P.)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 04-02-2015 The petitioners figured as accused in Hajipur SC/ST P.S. Case No.69 of 2013, on the file of learned Chief Judicial Magistrate, Chapra, District- Saran. The allegations against the accused are under Sections-341, 323, 504 and 506/34 of I.P.C. and Sections 3 (i)(x) of SC/ST (Prevention of Atrocities) Act.

Apprehending arrest, the petitioners filed A.B.P. No.75 of 2014 in the court of Sessions Judge, Saran at Chapra. The learned Judge rejected the application through its order dated 13.5.2014, as not maintainable. Hence, this application for anticipatory bail under Section-438 of Cr.P.C.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The main basis on which the trial court dismissed the petition was that it is not maintainable in view of Section 18 of the SC/ST (Prevention of Atrocities) Act. However, there are judgments of various courts which are to the effect that in case a perusal of the F.I.R. itself discloses that the provisions are invoked just to aggravate the matter, the prohibition does not come in the way.

In the instant case, even from perusal of the F.I.R. it is evident that the petitioners are the tenants of the respondent and there existed some disputes between them. It was not even mentioned that the so called abuses were given in a public view. These, however, are matters to be taken into account at the stage of trial.

This Court, in the above circumstances, is convinced that the petitioners deserve anticipatory bail. The application is allowed.

In the event of arrest, the petitioners are directed to be released on bail on furnishing the bail-bonds of Rs.10,000/- (ten thousand) each along with two sureties of the like amount each to the satisfaction of Chief

Judicial Magistrate, Chapra, District- Saran in connection with Saran SC/ST P.S. Case No.69 of 2013, subject to the conditions laid down under Section-438(2) of Cr.P.C.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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